Alaska Groundfish Harvest Specifications

Supplementary Information Report

January 2008

I. ALASKA GROUNDFISH HARVEST SPECIFICATIONS ENVIRONMENTAL IMPACT STATEMENT

The groundfish fisheries in Federal waters off Alaska are managed under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). In the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands (BSAI), groundfish harvests are managed subject to annual limits on the amounts of each species of fish, or of each group of species, that may be taken. The annual limits are referred to as "harvest specifications," and the process of establishing them is referred to as the "harvest specifications process." The U.S. Secretary of Commerce (Secretary) approves the harvest specifications based on the recommendations of the North Pacific Fishery Management Council (Council).

NMFS prepared the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (EIS)[1] in January 2007 for the harvest strategy used to set the annual harvest specifications. The EIS examines alternative harvest strategies for the federally managed groundfish fisheries in the GOA and the BSAI management areas that comply with Federal regulations, the FMPs, and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The EIS provides decision-makers and the public with an evaluation of the environmental, social, and economic effects of alternative harvest strategies. The preferred alternative established a harvest strategy for the BSAI and GOA groundfish fisheries necessary for the management of the groundfish fisheries and the conservation of marine resources, as required by the Magnuson-Stevens Act and as described in the management policy, goals, and objectives in the FMPs.

The harvest strategy prescribes setting total allowable catches (TACs) for groundfish species and species complexes through the Council's harvest specifications process. Annu-

[1] National Marine Fisheries Service, Department of Commerce (Jan. 2007), Alaska Groundfish Harvest Specifications Final Environmental Impact Statement.
URL: http://www.fakr.noaa.gov/analyses/specs/eis/final.pdf

ally, the harvest strategy is applied to the best available scientific information to derive annual harvest specifications, which include TACs and prohibited species catch (PSC) limits. The Council's Groundfish Plan Teams and Scientific and Statistical Committee use stock assessments to calculate biomass, overfishing levels, and acceptable biological catch (ABCs) limits for each species or species group for specified management areas. Overfishing levels and ABCs provide the foundation for the Council and NMFS to develop the TACs. Overfishing levels and ABC amounts reflect fishery science, applied in light of the requirements of the FMPs. The TACs recommended by the Council are either at or below the ABCs. The sum of the TACs for each area is constrained by the optimum yield established for that area.

The harvest strategy provides for orderly and controlled commercial fishing for groundfish (including Community Development Quota (CDQ) fishing); promotes sustainable incomes to the fishing, fish processing, and support industries; supports sustainable fishing communities; and provides steady supply of fish products to consumers. The harvest strategy balances groundfish harvest in the fishing year with ecosystem needs such as non-target fish stocks, marine mammals, seabirds, and habitat.

II. PURPOSE OF THIS SUPPLEMENTAL INFORMATION REPORT

This supplemental information report evaluates the need to prepare a Supplemental EIS (SEIS) for the 2008/2009 groundfish harvest specifications. An SEIS should be prepared if (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or (2) significant new circumstances or information exists relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)(1)).

This report analyzes the information contained in the Council's 2007 Stock Assessment and Fishery Evaluation (SAFE) reports and information available to NMFS and the Council to determine whether an SEIS should be prepared. Appendices A and B contain the SAFE reports, which represent the best available information for the harvest specifications. Appendix C contains the ecosystem considerations report for the SAFE reports. Appendix D contains the economic status report for the SAFE reports.

Not every change requires an SEIS; only those changes that cause effects which are significantly different from those already studied require supplementary consideration. *Davis v. Latschar*, 202 F.3d 359, 369 (D.C. Cir. 2000). The Supreme Court explained in *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 373 (1989), that "an agency need not supplement an EIS every time new information comes to light after the EIS is finalized. To require otherwise would render agency decisionmaking intractable." On the other hand, if a subsequent related Federal action occurs, and new information indicates that that subsequent action will affect the quality of the human environment in a significant manner or to a significant extent not already considered, an SEIS must be prepared. *Marsh*, 490 U.S. at 374.

The following three sections discuss each of the considerations for an SEIS: changes in the action; new information; and new circumstances.

III. CHANGES TO THE PROPOSED ACTION

No changes to the proposed action have occurred. The 2008/2009 harvest specifications do not constitute a change in the proposed action. The proposed action was a harvest strategy that provides for the annual determination of the harvest specifications based on new information developed through the harvest specifications process. The 2008/2009 harvest specifications are consistent with the preferred alternative harvest strategy analyzed in the EIS because they were set through the harvest specifications process, are within the optimum yield established for the BSAI or GOA, and do not exceed the ABC for any single species or species complex. The harvest specification process and the environmental consequences of the selected harvest strategy are fully described in the EIS.

The proposed 2008/2009 harvest specifications for the BSAI and GOA were published in the Federal Register on December 6, 2007 (72 FR 68810 and 72 FR 68833, respectively). The Council took final action to recommend final harvest specifications at its December 2007 meeting. NMFS is scheduled to publish the Federal Register notice announcing the final harvest specifications in mid-February.

IV. NEW INFORMATION RELEVANT TO ENVIRONMENTAL CONCERNS AND BEARING ON THE PROPOSED ACTION OR ITS IMPACTS

The second part of the inquiry to determine whether an SEIS is required involves a two-step process. First, one must identify new information or circumstances, and second, one must analyze whether they are significant to the analysis of the proposed action. The primary sources of new information directly related to the action and its impacts are the 2007 BSAI and GOA SAFE reports, which include NMFS's annual Eastern Bering Sea trawl survey results, information on previous fishery performance, and subsequent stock assessments. NMFS's Guidelines for Fishery Management Plans require that a SAFE report be prepared and reviewed annually for each FMP. The FMPs require that a draft of the SAFE report be produced each year in time for the December Council meeting.

The SAFE reports summarize the best available scientific information concerning the past, present, and possible future condition of the stocks, marine ecosystems, and fisheries that are managed under Federal regulation. They provide information to the Council for determining annual harvest levels from each stock, documenting significant trends or changes in the resource, marine ecosystems, and fishery over time, and assessing the relative success of existing State of Alaska and Federal fishery management programs.

The SAFE reports are published in three sections: "Stock Assessment," which comprises the bulk of the present document; "Economic Status of Groundfish Fisheries off Alaska;" and "Ecosystem Considerations." The URLs for these documents are provided in Appendices A, B, C, and D.

Annually, the Council's BSAI Groundfish Plan Team compiles the stock assessment section of the SAFE report for the BSAI groundfish fisheries from chapters contributed by scientists at NMFS Alaska Fisheries Science Center (AFSC). The GOA groundfish Plan Team compiles the SAFE report for GOA groundfish fisheries from chapters contributed by scientists at AFSC and the Alaska Department of Fish and Game (ADF&G).

Each stock or stock complex is represented in the SAFE report by a chapter containing the latest stock assessment. New or revised stock assessment models are generally previewed at the September Plan Team meeting and considered again by the Plan Team at its November meeting for recommending final overfishing level and ABC specifications for the following two fishing years. The SAFE reports include recommendations by the author(s) and Plan Teams for an overfishing level and ABC for each stock and stock complex managed under the FMP.

The 2008/2009 harvest specifications are based on the information provided in the 2007 SAFE reports. The Plan Teams met in Seattle from November 13-16, 2007, to review the status of each species or species complex that is managed under each FMP. The Plan Team review was based on presentations by ADF&G and AFSC scientists with opportunity for public comment and input. The information presented at the Plan Team meetings was then compiled into the 2007 SAFE reports. The 2007 SAFE reports describe in detail the new information available since the 2006 SAFE reports, including new survey data and new fishery performance information. This new information resulted in new estimations of overfishing levels and ABCs for a number of stocks and stock complexes, as detailed in the SAFE reports.

The BSAI and GOA Plan Teams recommendations were forwarded to the North Pacific Fishery Management Council and its Scientific and Statistical Committee and Advisory Panel for consideration and final action in December. The status of the stocks continues to appear relatively favorable, although many stocks are declining due to poor recruitment in recent years. No groundfish stocks is overfished or approaching an overfished condition. Table 1 summarizes noteworthy Plan Team ABC recommendations for 2008 compared to the 2007 ABCs.

Table 1 Bering Sea and Aleutian Islands and Gulf of Alaska Plan Teams' ABC recommendations for area total ABCs and ABCs for selected stocks compared to the final 2007 ABCs (in metric tons).

Species	Final 2007 ABC	Plan Team 2008 ABC
BSAI total ABC	**2,676,000**	**2,440,000**
Bering Sea pollock	1,394,000	1,000,000
BSAI Pacific cod	176,000	150,000
Bering Sea sablefish	2,980	2,860
AI sablefish	2,810	2,440
BSAI yellowfin sole	225,000	247,500
BSAI rock sole	198,000	300,700
GOA total ABC	**490,000**	**536,000**
GOA pollock	68,307	60,180
GOA Pacific cod	68,859	66,493
GOA sablefish	14,310	12,730

The Bering Sea groundfish exploitable biomass is high but declining. According to the 2007 SAFE, the 2008 BSAI total biomass estimate of 16.6 million metric tons (mt) is less than the 2007 estimate of 16.9 million mt. The Plan Team recommended total ABCs of 2,440,000 mt for 2008 and 2,560,000 mt for 2009. These are approximately 236,000 mt and 118,000 mt below the sum of the 2007 ABCs. However, the total ABCs still exceed the 2 million mt optimum yield cap employed by the Council as a conservation measure in setting TACs.

Plan Team ABC recommendations are trending down for gadoids, but generally up for flatfishes. The abundances of Bering Sea pollock and Pacific cod are projected to be below target stock size. The bottom trawl survey biomass estimate for pollock in 2007 was 4.3 million mt, only 87 percent of the long-term mean of the bottom-trawl survey. The 2007 echo-integration survey biomass estimate was 1.88 million mt, only 55 percent of the long-term mean for this survey. Both surveys indicate that the 2006 year class is strong and that the 2005 year class is below average. The biomass estimate from the 2007 bottom trawl survey for Pacific cod of 424,000 mt is an all-time low and down about 18 percent from the 2006 estimate.

The abundances of Aleutian Islands pollock, sablefish, all rockfishes, all flatfishes, and Atka mackerel are projected to be above target stock size.

The GOA Groundfish Plan Team's recommended total ABCs of approximately 536,000 mt for 2008 and 556,000 mt for 2009. These are approximately 46,000 mt and 66,000 mt above the sum of the 2007 ABCs and within the optimum yield range of 116,000 mt and 800,000 mt established for the GOA.

The abundances of rex sole, Dover sole, flathead sole, arrowtooth flounder, Pacific ocean perch, rougheye rockfish, northern rockfish, and dusky rockfish are above target stock size. The Plan Team's ABC recommendations for 2008 are higher than in 2007 for arrowtooth flounder (23 percent), flathead sole (14 percent), Pacific ocean perch (2 percent), rougheye rockfish (30 percent). The Plan Team's ABC recommendations for 2008 are lower than in 2007 for northern rockfish (8 percent).

The abundances of pollock and sablefish are below target stock size. The Plan Team's ABC recommendations for 2008 are lower than in 2007 for pollock (12 percent) and sablefish (11 percent).

The target biomass levels for other deep-water flatfish, shallow-water flatfish, shortraker rockfish, demersal shelf rockfish, other pelagic shelf rockfish, other slope rockfish, thornyhead rockfish, Atka mackerel, and skates are unknown. The Plan Team's ABC recommendations for 2008 are higher than in 2007 for deep-water flatfish (2 percent), shallow-water flatfish (19 percent), shortraker rockfish (6 percent), other slope rockfish (3 percent), and other skates (30 percent). The Plan Team's ABC recommendations for 2008 are lower than in 2007 for pelagic shelf rockfish (6 percent), demersal shelf rockfish (7 percent), thornyhead rockfish (18 percent), and big skates (6 percent).

The status of Pacific cod is unknown based on the present stock assessment. However, in 2006 it was estimated to be above the $B_{40\%}$ target level. The GOA Plan Team did not review a new assessment for Pacific cod and made overfishing level and ABC recommendations for Pacific cod based on a tier 5 using the latest estimates of biomass and natural mortality. The Plan Team's ABC recommendations for 2008 are 3 percent lower than in 2007 Pacific cod.

From this information, the Council recommended the 2008/2009 harvest specifications in December. The Scientific and Statistical Committee reviewed the SAFE reports and the overfishing level and ABC recommendations and either confirmed the Plan Team recommendations or developed its own. The ABC recommendations, together with social and economic factors, were considered by the Advisory Panel and the Council in determining TACs. The Council recommended TAC levels at or below acceptable biological catch amounts. Of particular note are the Council's recommended decrease in the Bering Sea pollock TAC and increases to the BSAI flatfish TACs. The Region will publish these TAC specification recommendations in the Federal Register in February or March 2008.

The preferred harvest strategy analyzed in the EIS anticipated that new information on changes in species abundance would be used in the setting of the annual harvest specifications. It is a flexible process designed to adjust to such fluctuations. The information used to set the 2008/2009 harvest specifications is not significant relative to the environmental impacts analyzed in the EIS: it raises no new environmental concerns significantly different from those previously analyzed in the EIS. Thus, the new information available is not of a scale and scope that require an SEIS.

V. NEW CIRCUMSTANCES RELEVANT TO ENVIRONMENTAL CONCERNS AND BEARING ON THE PROPOSED ACTION OR ITS IMPACTS

Chapter 3 of the EIS identified reasonably foreseeable future actions that may affect the BSAI and GOA groundfish fisheries and the impacts of the fisheries on the environment. For this report, NMFS reviewed these actions to determine whether they occurred in the past year and, if they did occur, whether they would change the analysis in the EIS of the impacts of the harvest strategy on the human environment. In addition, NMFS considered whether other actions not anticipated in the EIS occurred that have a bearing on the harvest strategy or its impacts.

The reasonably foreseeable future actions were grouped in the EIS into the following five categories:

- Ecosystem-sensitive management
- Fishery rationalization
- Traditional management tools
- Actions by other Federal, State, and international agencies
- Private actions

Ecosystem-sensitive management

Ongoing research has increased our understanding of the interactions among ecosystem components. The effects of these interactions on stock assessments are incorporated into the process for setting the overfishing levels and ABCs for the 2008/2009 harvest specifications, as detailed in the ecosystem considerations report for the 2007 SAFE reports (Appendix C). Additionally, the Council completed the Aleutian Islands Fishery Ecosystem Plan and recommended new seabird protection measures and new protection measures for Bering Sea Habitat Conservation. This increased role of ecosystem considerations was analyzed in the EIS and does not change the findings in the EIS concerning the impacts of the harvest strategy on the human environment.

Fishery rationalization

Final rules to implement Amendment 80 and Amendment 85 to the BSAI FMP were published in the Federal Register on September 14, 2007 (72 FR 52668), and September 4, 2007 (72 FR 50788), respectively.

The Amendment 80 Program establishes a limited access privilege program for the non-American Fisheries Act (non-AFA) trawl catcher/processor sector by allocating TAC among several BSAI non-pollock trawl groundfish fishing sectors, and it facilitates the formation of harvesting cooperatives in the non-AFA trawl catcher/processor sector. The Amendment 80 species are Atka mackerel, flathead sole, Pacific cod, rock sole, yellowfin sole, and Aleutian Islands Pacific ocean perch. In order to limit the ability of participants eligible for the Amendment 80 Program to expand their harvest efforts in the GOA, the

program established groundfish and PSC limits as sideboard limits for Amendment 80 Program participants in the GOA.

Amendment 85 modifies the current allocations and seasonal apportionments of BSAI Pacific cod TAC among various harvest sectors. Amendment 85 reduces uncertainty about the availability of yearly harvests within sectors caused by reallocations and maintains stability among sectors in the BSAI Pacific cod fishery.

NMFS published a final rule to modify the 2008 harvest specifications under the provisions of Amendments 80 and 85 (72 FR 71802, December 19, 2007). This action is necessary to ensure that allocations will be in effect for Amendment 80 and 85 participants at the beginning of the 2008 fishing year, which opens under the final 2007 and 2008 harvest specifications. NMFS will extend these allocations with the 2008 and 2009 proposed and final harvest specifications.

Additionally, Amendments 80 and 85 incorporate statutory mandates of the Magnuson-Stevens Act, as amended by the Coast Guard and Maritime Transportation Act of 2006 and the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. These amendments to the Magnuson-Stevens Act required that Amendments 80 and 85 allocate to the CDQ Program 10.7 percent of the TAC of the species allocated under those FMP amendments. The Magnuson-Stevens Act requires that all catch of these species accrue against the CDQ allocations, including catch in both the directed fisheries for these species and any incidental catch or bycatch. Minor revisions were made to catch monitoring requirements for the CDQ fisheries to comply with the new Magnuson-Stevens Act requirement that the CDQ fisheries be managed no more restrictively than the cooperative fisheries for these same species.

The Magnuson-Stevens Act also requires that allocations to the CDQ Program be made only for species with directed fisheries in the BSAI. Under Amendment 80, allocations to the CDQ Program of TAC categories without directed fisheries in the BSAI were discontinued. These species include pollock in the Bogoslof District, Greenland turbot in the Aleutian Islands, Alaska plaice, other flatfish, rockfish, and other species. Catch in the CDQ fisheries of these species will be managed under the regulations and according to the individual fishery's status for that TAC category. Retention of species closed to directed fishing will be limited to maximum retainable amounts, or all catch of the species will have to be discarded. Notices of closure to directed fishing and of retention requirements for these species will apply to the CDQ and non-CDQ sectors. The catch of these species in the CDQ fisheries will not constrain the catch of other CDQ species unless catch by all sectors approached an overfishing level.

Amendments 80 and 85 improve management for the species under those programs and modify the method of TAC allocations; however, these programs do not alter the harvest specification process or change analysis in the EIS of impacts of the harvest strategy on the human environment. They therefore do not constitute "significant new circumstances" necessitating a supplemental EIS pursuant to 40 CFR 1502.9(c)(1)(ii).

Traditional management tools

The Council is concerned about the increasing levels of salmon bycatch in the BSAI pollock fisheries because of the potential for negative impacts on western Alaska salmon stocks. Amendment 84 established the salmon bycatch intercooperative agreement that allows vessels participating in the directed fisheries for pollock in the Bering Sea to use their internal cooperative structure to reduce salmon bycatch using a method called the voluntary rolling hotspot system (VRHS). In recommending Amendment 84, the Council recognized that current regulatory management measures, including a bycatch cap that triggered closure of fixed salmon savings areas, have not been effective at reducing salmon bycatch. Amendment 84 provides an alternative approach to managing salmon bycatch which has the potential to be more effective than current regulations. NMFS implemented Amendment 84 with a final rule published in the Federal Register on October 29, 2007 (72 FR 61070). The effects of the VRHS were analyzed in the EA/RIR/IRFA for Modifying Existing Chinook and Chum Salmon Savings Areas: Final Rule Implementing Amendment 84 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area.[2]

NMFS and the Council have begun a process pursuant to the National Environmental Policy Act to analyze alternative management measures to the current Chinook and chum salmon savings areas in the BSAI. These management measures could incorporate current or new bycatch reduction tools.

The EIS describes and analyzes the impacts of the pollock fishery's salmon bycatch with the VRHS measures in place, which were in effect at the time pursuant to an exempted fishing permit. Accordingly, the adoption of Amendment 84 does not represent significant new circumstances necessitating an SEIS.

Actions by other Federal, State, and international agencies and private actions

No additional actions beyond those identified in the EIS have occurred since January 2007 that would change the analysis in the EIS of the impacts of the harvest strategy on the human environment.

[2] North Pacific Fishery Management Council (Oct. 2007), Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Modifying existing Chinook and chum salmon savings areas: Final Rule Implementing Amendment 84 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. URL: http://www.fakr.noaa.gov/analyses/amd84/Am84_EARIRFRFAfr.pdf

VI. DETERMINATION

After reviewing the information above and presented in the SAFE reports, I have determined that (1) the 2008/2009 harvest specifications, which were set according to the preferred harvest strategy, do not constitute a change in the action, and (2) the information presented does not indicate that there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Additionally, the 2008/2009 harvest specifications will result in environmental impacts within the scope of those analyzed and disclosed in the EIS. Therefore, supplemental NEPA documentation is not necessary to implement the 2008/2009 harvest specifications.

Robert D. Mecum Acting — Regional Administrator

2/4/08 — Date

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Appendix A: BSAI Stock Assessment and Fishery Evaluation (SAFE) Reports

North Pacific Fishery Management Council (Nov. 2007), Stock Assessment and Fishery Evaluation Report for the Groundfish Resources of the Bering Sea/Aleutian Islands Regions.

This document is included by reference. The 2007 versions for each species or species group may be found here: http://www.afsc.noaa.gov/refm/stocks/assessments.htm

Appendix B: GOA Stock Assessment and Fishery Evaluation (SAFE) Reports

North Pacific Fishery Management Council (Nov. 2007), Stock Assessment and Fishery Evaluation Report for the Groundfish Resources of the Gulf of Alaska.

This document is included by reference. The 2007 versions for each species or species group may be found here: http://www.afsc.noaa.gov/refm/stocks/assessments.htm

Appendix C: Ecosystem Considerations

This document is included by reference. The 2007 version may be found here: http://www.afsc.noaa.gov/refm/stocks/assessments.htm

Appendix D: Economic Status Report

This document is included by reference. The 2007 version may be found here: http://www.afsc.noaa.gov/refm/stocks/assessments.htm